



Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.28
24 August 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Draft resolution submitted by Mr. Bossuyt, Mrs. Chavez, Mr. Despouy,
Mr. Eide, Mrs. Forero Ucros, Mr. Hatano, Mr. Khalil, Mr. Maxim,
Mrs. Mbonu, Mrs. Palley and Mr. Yimer

1992/... Question of the impunity of perpetrators of
violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities.

Guided by the principles enshrined in the Charter of the United Nations,
the Universal Declaration of Human Rights, the International Covenant on Civil
and Political Rights and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for
perpetrators of violations of human rights in various regions of the world is
a fundamental obstacle to the observance of human rights,

Recalling its decision 1991/110 of 29 August 1991, entitled "Question of
the impunity of perpetrators of violations of human rights", whereby it
requested Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper on
this subject,

Having considered the guidelines proposed in the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. Guissé and Mr. Joinet,

Aware of the comments that have been made for a number of years on this subject within the framework of the special procedures of the Commission on Human Rights and by the Special Rapporteurs of the Sub-Commission,

1. Takes note with satisfaction of working paper E/CN.4/Sub.2/1992/18;
2. Decides to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice;
3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required for them to be able to discharge their task;
4. Decides to consider the preliminary report to be prepared by the Special Rapporteurs at its forty-fifth session under a sub-item, entitled "Question of the impunity of perpetrators of violations of human rights", of the item entitled "The administration of justice and the human rights of detainees";
5. Recommends that the Commission on Human Rights adopt the following draft resolution:

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling the comments that have been made for a number of years on this subject by, in particular, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on summary or arbitrary executions and the Special Rapporteur on the question of torture, and by the Special Rapporteurs of the Sub-Commission,

1. Takes note with satisfaction of the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. Guissé and Mr. Joinet pursuant to the Sub-Commission's decision 1991/110 of 29 August 1991;

2. Endorses the Sub-Commission's decision to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required for them to be able to discharge their task;

4. Recommends that the Economic and Social Council adopt the following draft decision:

The Economic and Social Council, taking note of resolution 1993/... adopted by the Commission on Human Rights on ... February 1993, approves the decision of the Commission to endorse the Sub-Commission's decision to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in accordance with the Sub-Commission's resolution 1992/... of ... August 1992, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required for them to be able to discharge their task.
